STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS BOARD OF REGISTERED NURSING MINUTES

DATE: February 22, 2008

TIME: 9:00 am Both Days

LOCATION: Hilton Garden Inn

1800 Powell Street Emeryville, CA 94608

PRESENT: LaFrancine Tate, Public Member, President

Susanne Phillips, MSN, RN, APRN-BC, FNP, Vice-President

Andrea Guillen Dutton, Public Member Carmen Morales-Board, MSN, RNC, NP Elizabeth O. Dietz, Ed.D., RN, CS-NP

Grace Corse, RN

Nancy L. Beecham, RNC, BS

NOT PRESENT: Janice Glaab, Public Member (2/21-22/08)

ALSO PRESENT: Ruth Ann Terry, MPH, RN, Executive Officer

Heidi Goodman, Assistant Executive Officer

Christina Sprigg, Manager, Licensee and Administrative Services

Elliot Hochberg, Manager, Enforcement Program

Carol Stanford, Manager, Diversion/Probation Program Louisa Gomez, Manager, Licensing Standards & Evaluation;

Advanced Practice

Louise Bailey, MEd, RN, Supervising NEC

Miyo Minato, MN, RN, NEC

Badrieh Caraway, RN, MS, Med, NEC Kay Weinkam, MS, RN, CNS, NEC Katie Daugherty, MN, RN, NEC Janette Wackerly, MBA, RN, NEC

Geri Nibbs, RN, MN, NEC Carol Mackay, RN, NEC

Alice Takahashi, MS, RN, CNAA, NEC Michael Cohen, Administrative Law Judge Hannah Hirsch Rose, Deputy Attorney General LaVonne Powell, DCA, Legal Counsel (2/21/08) Norine Marks, DCA, Legal Counsel (2/22/08)

Kimberly Ott, Enforcement Program Millicent Lowery, Diversion Program

Eleanor Calhoun, Recorder Alcidia Valim, Recorder

Thursday, February 21, 2008

1.0 CALL TO ORDER

L. Tate, Board President, called the meeting to order at 9:05 am and had the Board Members introduce themselves. The Board welcomed students from American River College, DeAnza College, Merritt College, and San Jose State University.

2.0 DISCIPLINARY MATTERS

The Board convened in closed session pursuant to Government Code Section 11126(c)(3) to deliberate on these matters and other disciplinary matters including stipulations and proposed decisions, and pursuant to Government Code Section 11126(e)(1,2(A)) to confer with Legal Counsel regarding pending litigation.

BARNHART, Patricia	GRANTED, 2 yrs. Probation
Del Fiorentino, Daniel	DENIED
HOLLAND, Kristi Beth	GRANTED
LANGLEY, Andrea Lee	DENIED
MAGALLON, Johnny V.	GRANTED
MAZZARELLA, II, William H.	GRANTED
SAN JUAN, Joseph	GRANTED
WHITAKER, Georgia Anne	GRANTED

Closed Session Discussion Items

L. Tate, Board President, called the closed session meeting to order at 1:20 pm. The closed session adjourned at 2:15 pm.

Friday, February 22, 2008

L. Tate, Board President, called the meeting to order at 9:05 am and had the board members introduce themselves. The board welcomed students from Merritt College.

3.0 OPEN FORUM

4.0 APPROVE/NOT APPROVE MINUTES OF November 29-30, 2007 Board Meeting

MSC: Phillips/Corse that the Board approve minutes as corrected. 7/0/0

5.0 REPORT ON BOARD MEMBERS' ACTIVITIES

6.0 EXECUTIVE OFFICERS' REPORT ON BOARD AND DEPARTMENT ACTIVITIES

R. Terry presented this report

1.0 Governor Announces \$2.7 Million for Nursing Programs

On February 15, 2008, Governor Schwarzenegger announced a \$2.7 million dollar award to help the state's economy by increasing California's health care workforce to registered nurse training programs in underserved areas. The funds

were made available through the Song-Brown program, which is administered by the Office of Statewide Health Planning and Development.

2.0 Board's Budget Update

2008/2009 Governor's Budget

The Governor's Budget for FY 2008/09 was presented to the Legislature on January 10, 2008. The proposed budget for the Board is \$24.2 million, which is an increase of .5% over the prior year.

2007/2008 BRN Budget and Reserve

The Board's current year budget is \$24.1 million with 93.0 net PYs after salary savings. The Board's Fund Condition in FY 2006/07 had a reserve of 10.8 months and projections show a reserve of 8.5 months for current year 2007/2008, 6 months for budget year 2008/09, and it is anticipated our reserve will be down to 3.7 the following FY 2009/10.

Current Year Budget Projections

The Board's current year budget is being monitored to maintain the business of the Board and ensuring only necessary expenditures are being made. The Board expended 49.6% of its budget in the first six months of this FY.

Budget Summary

2007/2008	2007/2008	2007/2008
Gov's Budget	Projected Expenditures	Year to Date Expenditures
\$24,092,334	\$23,518,094	\$12,143,211

3.0 Department of Consumer Affairs (DCA) Updates

<u>Board Member Orientation</u> – In accordance with Business and Professions Code Section 453, Board Members are required to attend DCA's Board Member Orientation within one year of their appointment. The next Board Member orientation is set for June 11, 2008, in Los Angeles.

2008 Cyber Safety Summit - DCA, the California Office of Privacy Protection, and the State and Consumer Services Agency presents the 2008 Cyber Safe California, "Protecting Our Children, Safeguarding Our Privacy; Securing Our Future". Leaders from numerous agencies have organized this two-day summit at the Burbank Airport Marriott Hotel and Convention Center on March 4-5, 2008. The first day will feature experts discussing current issues such as social networking sites, privacy challenges posed by new technologies, and medical identity theft. The second day includes a series of workshops that will provide practical information and guidance on topics of interest to consumers, business people, law enforcement, government, and higher education. For additional information and to register for this free summit visit the Cyber Safety Web site at www.cybersafety.ca.gov

DCA Board and Bureau Conference - DCA is hosting a Board and Bureau Conference during the week of November 17th in Los Angeles. The Conference will focus on four areas as well as being a resource fair for Board Members and the public. There will be Board and Bureau Regulatory Meetings; Board Development that will include: Board Member Orientation, Strategic Planning, Unlicensed Activity, and the Attorney General's office. Other areas include: Consumer Issues and Policy and Consumer Trends such as healthcare and practitioner shortage. Additionally, DCA is researching possible partnerships with consumer advocacy groups. The Board's goal is to participate in as many offerings as possible and additional information will be provided once it becomes available. However, since the BRN had already set the 2008 Board Meetings dates; our Board Meeting will take place on December 4-5, 2008, in Ontario as planned.

Action to Combat Increased Unemployment Rate – On January 18, 2008, Governor Schwarzenegger issued a press release addressing the increased unemployment rate and called upon Agency Secretaries and Department Directors to identify ways to stimulate the economy. Since DCA's Boards, Bureaus, and Commissions (BBC) have a positive impact on consumers and a significant impact on the economy Director Carrie Lopez contacted the BBCs in an effort to help identify ways to stimulate the economy by analyzing current licensing processes and timeframes to see where improvements can be made.

<u>DCA Appointments</u> –Bev Augustine has been appointed Deputy Director of Strategic Planning and Organizational Development. Bev has served as Deputy Director of Consumer Relations and Outreach since 2004 and was a staff member at the California Performance Review.

<u>Suzanne Larsen</u> has been appointed as the Assistant Personnel Officer in the Office of Human Resources. Suzanne has 13 years of Human Resource experience within the areas of payroll transactions, classification and pay, and exam selection.

<u>Margo Cooper</u> has been appointed as the Office of Human Resources (OHR) Exam Manager. Margo has extensive exam experience, as well as experience in classification and pay and transactions.

<u>June Vargas</u> has been promoted to Information Officer II, and will be managing the Office of Publications, Editing, and Design (formerly the Policy and Publications Development Office). June has worked in the publishing field for more than 15 years in various positions in the private sector.

<u>Kathy Sahlman</u> has been appointed to Chief, Internal Audit Office and she comes to DCA from CALFIRE and previously worked for DCA in the late 1990s.

<u>DCA Transfer</u> – On March 10, 2008, Antonette Sorrick will become the Executive Officer for the State Board of Guide Dogs for the Blind. Antonette has served as the Deputy Director, Board Relations and has been instrumental in

assisting the Board with communication efforts that are vital between the DCA and the Board. We want to thank her for dedication and willingness to work with us on several significant projects.

<u>iLicensing Project Update</u> – The iLicensing Solution Request for Proposal was posted on December 12, 2007. The next step in this year long process was the Bidders Conference that was held on February 14th. In addition, the project team and the Boards and Bureaus Subject Matter Experts (SMEs) that include six staff from the BRN have begun working on the high-level marketing strategy document, drafting security role definitions and documenting their baseline work effort relating to licensing and renewals. Meetings are scheduled to discuss the business processes and the subsequent impact this new system will have on all the business processes in the Department.

4.0 Public Record Request

The Board continues to comply with public record request and responds within the required timeframes that are set in the Government Code Section 6250. For the period of November 14, 2007 through February 5, 2008, the Board has received and processed 59 public record requests.

5.0 BRN Web site Update – Disaster Response

On January 1, 2008, the Web site for registering with the California Medical Volunteers program that is hosted by the Emergency Medical Services Authority (EMSA) went live. RNs can register at www.medical volunteer.ca.gov should they want to be called upon during a disaster response. The Board worked in conjunction with the EMSA to update the information on our Web site regarding medical volunteers, the California Medical Assistance Teams (CalMATs) and Disaster Medical Assistance Teams (DMAT). All of this information can be found under Disaster Response on our Web site.

6.0 Personnel

The following personnel changes have transpired since the last Board Meeting:

New Hires	Classification	Board Program		
Alison Ponzi	Office Technician	Administration		
Mai Yang	Key Data Operator	Licensing Support		
Glenda Biag	Program Tech II	Call Center		
Elsa Berumen	Staff Services Analyst	Licensing		
Duamations	Classification	Doord Drogram		
Promotions	Classification	Board Program		
DeAnn Corrado	Staff Services Analyst	Licensing		
Mary Fowler	AGPA	Licensing		
Shannan Borton	AGPA	Enforcement		
Separations	Classification	Board Program		
Cathy Alston	Key Data Operator	Licensee Support		

7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE

L. Tate, Chairperson

7.1 Information Only: Update(s) from NCSBN

R. Terry presented this report

Staff update on NCSBN Committees:

NCLEX Examination Committee

Louise Bailey, SNEC

- The Examination Committee is charged with providing psychometrically sound and legally defensible entry-level nurse licensure assessments to NCSBN Member Boards of nursing. In order to accomplish this outcome, the committee monitors the NCLEX-RN® and NCLEX-PN® examination process to ensure policies, procedures and standards utilized by the program meet and/or exceed guidelines proposed by the testing and measurement industry.
- The Examination Committee investigates potential future enhancements to the NCLEX examinations, evaluates additional international testing locations for the Board of Directors, and monitors all aspects of the NCLEX® examination process including: item development, examination security, psychometrics and examination administration to ensure consistency with the Member Boards' need for examinations.
- The Examination Committee approves item development panels and recommends test plans to the Delegate Assembly.
- The Examination committee oversees the activities of the Item Review Subcommittee (IRSC), which in turn assists with the item development and review process. Individual Examination Committee members act as chair of the IRSC on a rotating basis.

<u>Commitment to Ongoing Regulatory Excellence (CORE) Committee</u> Katie Daugherty, NEC

- The Commitment to Ongoing Regulatory Excellence project (CORE) provides an ongoing performance measurement system for nursing regulators.
- CORE utilizes data collected periodically from boards of nursing and stakeholders and identifies best practices in the provision of regulatory services.
- CORE promotes excellence in the provision of regulatory services to assist boards in their management and delivery of safe, effective nursing care to the public.

Member Board Disaster Preparedness Committee Kay Weinkam, NEC

The Disaster committee is charged with assessing disaster preparedness needs
of boards of nursing and developing a model disaster preparedness plan for
use by member boards.

<u>Disciplinary Resources Advisory Committee</u> Elliot Hochberg, Enforcement Program Manager

- The Disciplinary Resources Advisory Committee is charged to work on key discipline related policies and training recommendations for member boards. Some of these include:
- Finalizing a pain management paper;
- Working with NCSBN Information Technology staff on a national, nurse imposter database;
- On line training for new investigators; and
- Planning for the annual Investigator and Attorney Workshop.

Nursys Committee

Heidi Goodman, Assistant Executive Officer

Nursys is an online verification system for boards of nursing that enter into compact agreements. The Nursys committee is charged with:

- Developing Nursys customer service metrics and system performance statistics
- Investigating barriers and devise strategies to acquire licensure data from every Member Board (California does not supply its licensure data; however discipline information is entered into Nursys for uploading to HIPDB
- Proposing alternate financial models for license verification through Nursys
- Investigating development of a national unique identifier for the Nursys Database System

8.0 REPORT OF THE LEGISLATIVE COMMITTEE

L. Tate, Chairperson

8.1 Information Only: Adopt/Modify Positions on the following Bills, and any other Bills of Interest to the Board

L. Bailey presented this report

AB 865 Davis: State agencies: live customer service agents MSC: Dietz/Corse that the Board watch AB 865. 7/0/0

AB 1436 Hernandez: Nurse practitioners

MSC: Beecham/Dietz that the Board support, if amended. 6/0/1 – Phillips

AB 1605 Lieber: The State Department of Public Health: State Public Health

Nurse

MSC: Dietz/Beecham that the Board Support. 7/0/0

8.2 Information Only: 2007 Legislative Summary

L. Bailey presented this report

During the 2007 Legislative Session, many bills of general interest to the Board or those having potential impact on the administration of the Board were followed. Although these bills address many subjects, each affects registered nursing in some way. There were twenty-two (22) bills followed by the Board, six (6) were signed into law by the Governor, three (3) were vetoed, two (2) failed in committees or were no longer applicable to the Board and eleven (11) are two-year bills. The following is a brief description of the chaptered bills followed by the Board. Unless otherwise stated, the statutes of 2007 became effective January 1, 2008.

AB 139 (Bass)

Chapter 158, Statutes of 2007

Vehicles: Schoolbus drivers: Medical examinations

AB 139 authorizes a licensed advance practice registered nurse or a licensed physician assistant to perform a medical examination on applicants seeking an original or renewal certificate to drive a schoolbus, school activity bus, youth bus, general public paratransit, or farm labor vehicle. It requires the medical report to be submitted to the Department of Motor Vehicles.

AB 342 (Saldana)

Chapter 12, Statutes of 2007

Pupil health: Individuals with exceptional needs

AB 342 authorizes a person holding a certificate of public health in nursing to assist individuals with exceptional needs who require specialized physical healthcare services, during the regular schoolday.

AB 1559 (Berryhill)

Chapter 712, Statutes of 2007

Public Postsecondary Education: Degree Nursing Programs

AB 1159 provides for a community college registered nursing program that determines the number of applicants to the program exceeds its capacity, to admit students as follows using a:

- 1. Multicriteria screening process.
- 2. Random selection process.

3. Blended combination of random selection and a multicriteria screening process.

If a community college elects to use a multicriteria screening process to evaluate applicants for admission, it must include criteria relative to the academic performance, work or volunteer experience, foreign language skills, life experiences, and special circumstances of the applicant.

SB 102 (Migden) Chapter 88, Statutes of 2007 Blood Transfusions

SB 102 requires a physician to inform a patient, by means of a standardized written summary, either directly or through a nurse practitioner, certified nurse midwife, or a physician, of the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers.

SB 139 (Scott) Chapter 139, Statutes of 2007 Nursing Education

SB 139 prohibits a California State University or California Community College that has a registered nursing program from requiring a student who has been admitted to the nursing program, and who has already earned a baccalaureate or higher degree from a regionally accredited institution of higher education, to complete general education requirements. These nursing students would only be required to complete the course work necessary to prepare him or her for licensing as a registered nurse.

SB 1048 (Committee on Business Professions & Education) Chapter 588, Statutes of 2007 Healing Arts

SB 1048 requires, among other things, that every employer of, or agent for, a registered nurse required to hold a license in obtaining employment, is required to ascertain that the nurse is currently authorized to practice as a registered nurse, or as a temporary licensee or interim permitee. If a board-issued certification is required for employment, the employer is required to ascertain that the person has a board-issued certification and authorized to practice as a:

- nurse practitioner
- nurse practitioner with a furnishing number
- nurse anesthetist
- nurse midwife
- nurse midwife with a furnishing number
- public health nurse
- clinical nurse specialist
- board listed psychiatric mental health nurse

9.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE

G. Corse, Chairperson

9.1 Information Only: Enforcement Program Update and Statistics

E. Hochberg presented this report

A copy of the Enforcement Program statistics for the first half of Fiscal Year 2007-2008 (July 2007 through December 2007) were provided for review.

The fiscal year statistics indicate that the number of pleadings filed by the Attorney General's Office (AG) is projected to be the highest in the past six fiscal years. The number of disciplinary actions against licensees is not projected to keep pace with the number of accusations filed. Therefore, it is anticipated that the number of cases pending at the Attorney General's Office will increase.

Of the total number of licensee disciplinary actions, only 11% are projected to go to an administrative hearing. 37% are projected to be default decisions, which is the highest in the past six fiscal years, and 52% are projected to be settled by stipulated agreement.

The Board will continue to monitor statistics, with special emphasis on the increasing caseload at the Attorney General's Office.

ENFORCEMENT PROGRAM UPDATE

Investigator Training for Enforcement Program Analysts

On December 10-12, Enforcement Program analysts attended investigator training in Sacramento offered by the Council on Licensure, Enforcement and Regulation (CLEAR). Analysts without prior training through CLEAR attended the basic program, and analysts with prior training attended the specialized program.

The basic program covered the following topics:

- Professional Conduct
- Principles of Administrative Law
- Principles of Evidence
- > Evidence collection, tagging and storage
- ➤ Interviewing Process and Interviewing Techniques
- ➤ Report Writing
- ➤ Administrative and Criminal Proceedings

The specialized program covered the following topics:

- ➤ Advanced interviewing
- ➤ Advanced investigative analysis with case studies
- > Collecting, Organizing, and Reporting
- Developing Report Formats
- ➤ Obtaining Written Statements

The training provided by CLEAR and enhanced the analysts understanding of the investigative components of the Enforcement Program. Participants in the CLEAR training were also from other states and other California regulatory boards and agencies. All attendees were required to pass examinations to obtain their certification.

9.2 Information Only: Diversion Program Update and Statistics

C. Stanford presented this report

Program Update

On October 16 and 17, the Diversion Program conducted a Nurse Support Group Facilitator Conference and DEC Orientation Meeting. Both gatherings were conducted to train, educate and develop, and the information obtained will be used to enhance the Diversion Program.

Contract Update

Maximus hired Virginia Matthews as the new program director, replacing Don Fensterman. Ms. Matthews has over 27 years of experience in health care delivery in both clinical and administrative settings, and has worked in a variety of managerial administrative positions in the Acute Care and Psychiatric services field.

The RFP was released for bid on November 6, 2007 for the next Diversion Program contract that will be awarded in March 2008. Representatives of the seven Boards met with prospective bidders at the Pre-proposal conference on December 20, 2007.

Diversion Evaluation Committees (DEC)

There are currently five vacancies as follows: four physicians, and one registered nurse.

Statistics

A copy of the Monthly Statistical Summary Report for September, October, and November was provided for review. As of November 30th, there were 1266 successful completions in the Diversion Program.

9.3 Information Only: Probation Program Update and Statistics

C. Stanford presented this report

Program Update

On October 16th, the Diversion/Probation Manager and several staff attended the NSGF Conference held in Burbank. Subsequently, several facilitators have contacted staff to inform them of the success of the meeting and the improvement in the communication between the BRN probation program and the facilitators.

Statistics

Below are the current statistics for the Probation Program through January 4, 2008.

MALE	125
FEMALE	316
	,
CHEMICAL DEPENDENCY CASES	239
PRACTICE CASES	136
SOUTHERN CALIFORNIA	219
NORTHERN CALIFORNIA	222
PENDING AT THE AG	73
	1
ADVANCED CERTIFICATES	33
TOTAL IN-STATE PROBATIONERS	441

10.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE

S. Phillips, for E. Dietz, Chairperson

10.1 Approve/Not Approve: Education/Licensing Committee Recommendations: M. Minato presented this report

The Education/Licensing committee met on October 25, 2007 and makes the following recommendations:

Continue Approval of Nursing Education Program

➤ Riverside Community College Associate Degree Nursing Program

Defer Action to Continue Approval of Nursing Education Program

Los Angeles Trade Technical College Associate Degree Nursing Program

MSC: Phillips/Beecham that the Board approve the recommendations from the Education/Licensing Committee. 7/0/0

10.2 Ratify Minor Curriculum Revisions

M. Minato presented this report

According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

The following programs have submitted minor curriculum revisions that have been approved by the NECs:

- ➤ National University Baccalaureate Degree Nursing Program
- ➤ San Diego State University Baccalaureate Degree Nursing Program
- ➤ Los Angeles County College of Nursing and Allied Health Associate Degree Nursing Program

The following program submitted a progress report that has been accepted by the NECs:

Glendale Community College Associate Degree Nursing Program

MSC: Beecham/Phillips that the Board approve the minor curriculum revisions. 7/0/0

10.3 Accept/Not Accept Feasibility Study for University of Phoenix, Fairfield Learning Site, Baccalaureate Degree Nursing Program

M. Minato presented this report

Angie Strawn, Regional Assistant Dean, and Jessica Gomez, Campus Chair, Health and Human Services was in attendance.

The University of Phoenix (UOP) Northern California Campus submitted a feasibility study for a proposed baccalaureate generic registered nursing program at the Fairfield Learning Center. The proposed Fairfield Learning Site will serve the areas of Yolo, Napa, and Solano counties.

In reference to the nursing curriculum, it will total 120 semester units with 65 credits core nursing units, a minimum of 18 units of theory, and 18 units of clinical. Upon the completion of the required units the student will sit for NCLEX.

Although there is a brief description of the proposed courses, this area needs special attention as to units for theory and clinical. It is difficult to determine which courses are content required for licensure. For example, there is a course listing of Advance Care of Childbearing and Pediatric patients for only four units, 12 weeks for both subjects. It is not clear how many clinical hours are being required because no forms were included in the report. There is no geriatric course, nor is there an indication that geriatric will be integrated. While there are statements indicating that the students will be required to "pass the clinical hours", the number of clinical hours were not specified.

In reference to enrollment and potential student pool, UOP is hoping to attract students unable to enroll in the other programs serving the area.

In reference to faculty, it is UOP's intention to hire a cadre of full time faculty and adjunct faculty. However, it is not clear as to the numbers. There is minimal information regarding the learning site in terms of assigned faculty offices or skill lab. The proposed site is a Learning Center for all other UOP programs. Therefore, it is not clear where specific resources for the proposed program will be located or stored.

Comments: G. Corse

MSC: Phillips/Beecham that the Board accept the Feasibility Study for University of Phoenix, Fairfield Learning Site, BSN Program. 6/1/0 - Corse

10.4 Grant/Not Grant Initial Approval for West Hills College Lemoore Associate Degree Nursing Program

K. Weinkam presented this report

Nancy Hoff, MSN, RN interim director and consultant, currently serves as director for West Coast University in Orange County.

The Board accepted the feasibility study for an associate degree nursing program from West Hills College Lemoore (WHCL) on September 15, 2006.

Carol Mackay, NEC, and K. Weinkam conducted an initial approval visit for the proposed program on May 9, 2007. Further documentation was provided by the program. There is one area of noncompliance; four recommendations were made. The Report of Findings was provided for review.

The College now serves approximately 6,500 students, according to its Web site, and it currently offers programs to prepare psychiatric technicians, emergency medical technicians, EKG technicians, radiology technicians, and sterile processing technicians.

The program states its mission for the proposed school is "to prepare students to meet the requirements for licensure as entry-level Registered Nurses in California that will provide care across the health-illness continuum to a culturally diverse population in a variety of healthcare settings." Once Board approval has been received, the program plans to admit 24 students into the generic nursing courses in August 2008 and 12 LVNs in the summer of 2009. It will follow this admission pattern each year thereafter.

Facilities and resources at the campus had been visited previously by this writer as part of the approval process for Fresno City College's satellite campus at West Hills College Lemoore. Since then, the skills lab has been updated to include a human simulator, and additional resources have been devoted to providing faculty training for its use. Construction has been completed of the program's reception area, director's office, and faculty space. The clinical sites that were available for use by the twelve students in Fresno City College's satellite program will be released and are available to this program.

Components of the California Community College Chancellor's Office A.D.N. (RN) Curriculum Model were used and modified as appropriate and are the foundation for the curriculum. The prelicensure prerequisite courses and degree courses will be completed first. Then students will enroll in the four semesters of nursing courses. The proposed prelicensure program consists of 43.5 units in nursing (25 theory, 18.5 clinical), six units in communication, and 30 units in sciences for a total of 77.5-79.5 units, meeting the regulation's minimum

requirements. An additional three to five units are required for the A.S. degree, for a total degree requirement of 80.5-84.5 units. Each semester, an elective two-unit Learning Lab course will be available to the students; this will assist them in achieving full-time student status and eligibility for financial aid.

The program has submitted the Self-study, Student Handbook, Nursing Faculty Handbook, and course syllabi, and has made revisions according to the NEC's recommendations.

The administration of WHCL is committed to supporting the program and providing for its long-term success.

WHCL will work with the NEC to develop a timeline that ensures securing of clinical sites and faculty, including director, assistant director, and instructors, prior to admission of students. WHCL will return to the Education/Licensing Committee if stipulated conditions are not met. The NEC will follow the student cohort for initial class when students are admitted.

MSC: Phillips/Corse that the Board grant initial approval for West Hills College Lemoore ADN Program. 7/0/0

10.5 Information Only: BRN 2006-2007 Annual School Report

C. Mackay presented this report

The BRN 2006-2007 Annual School Survey was conducted from October 1, 2007 to November 15, 2007. The survey was conducted on behalf of the Board by the Research Center at the University of California, San Francisco. All pre-licensure and post-licensure nursing programs responded to the survey.

10.6 Information Only 2007 Goals Achievement Report M. Minato presented this report

*Only italicized objectives are addressed in the achievements.

GOAL 1

Monitor nursing education to ensure that key trends and forces in the external environment that affect nursing are identified and incorporated into nursing and incorporated into nursing programs. (Political, technical, economic and healthcare trends)

- 1.1 Review prelicensure and advanced practice program content requirements determine if they meet the current changes in healthcare.
- 1.2 Monitor education programs use of appropriate BRN advisory statements.
- 1.3 Validate that nursing educational programs include the Scope of Practice of Registered Nurses in California in their curriculum.
- 1.4 Participate in educational conferences and various committees within California and nationally when appropriate.

1.5 Monitor legislation affecting nursing education and convene advisory committees when appropriate.

Achievements:

- A total of twelve (12) nursing programs were reviewed in 2007: Eleven (11) prelicensure programs (ELM-1, BSN-3, and ADN-5) and one (1) advanced practice program. The regular Interim Visits were conducted as scheduled to a total of 23 prelicensure programs (BSN-7, ADN-16).
- Thirty-two (32) letters of intent have been submitted and nine (9) feasibility studies were accepted (ELM-1, BSN-3, ADN-5).
- Eight (8) new programs were granted initial approval (ELM-1, BSN-3, ADN-4).
- Board members and staff attended various nursing education-related meetings and conferences within California and throughout the country. (NCSBN, ACNL, NLN and meetings with ADN/CACN conferences and meetings)

GOAL 2

Provide leadership in the development of new approaches to nursing education.

- 2.1 Support strategic partnerships between nursing education and the healthcare industry to foster relationships between education and practice.
- 2.2 Conduct educational opportunities for professional development of nursing faculty and Directors.
- 2.3 Encourage and support development of articulation agreements among nursing programs.
- 2.4 Evaluate expanding access to technology and encourage its use in nursing programs, such as, on-line research, distance learning, Web-based instruction and high-fidelity simulation laboratory experiences.
- 2.5 Develop guidelines for the utilization of simulated clinical experiences in nursing education.
- 2.6 Review NPA regulations for congruency with current nursing education.
- 2.7 Encourage and support graduate nursing education programs to prepare nurse-educators.

Achievements:

- Staff sent a second questionnaire to all prelicensure nursing programs requesting information on access and use of simulation laboratories and/or centers as a follow up to the initial survey. A report of the findings was presented to the committee. The survey result indicates that more programs have integrated or are planning to integrate simulation experiences into their curriculum. More programs have acquired high-fidelity simulator to their Skills Learning Lab.
- Information obtained from this survey and other sources will be used by staff to develop guidelines for the use of simulation in nursing education.
- Staff reviewed and revised the NPA regulations to reflect the current trends in nursing education and practice.

• The draft of the revised NPA educational regulations was discussed at the Joint ADN/CACN conference in October 2007 to obtain feedback from program directors.

GOAL 3

Reports and sources related to nursing education in California are made available to nurse educators, the public, and others.

- 3.1 Maintain and analyze systematic data sources related to prelicensure and advanced nursing, reporting findings annually.
- 3.2 Maintain information related to each prelicensure program and update periodically.
- 3.3 Provide information about nursing program to the public.
- 3.4 Provide data to assist nursing programs in making grant or funding applications.
- 3.5 Utilize the Board's analysis of entry level RN practice to evaluate the effectiveness of prelicensure nursing education programs in preparing graduates for practice.
- 3.6 Collaborate with the University of California San Francisco in maintaining and updating the consolidated online survey, including the development of online access to the resulting report of the prelicensure nursing education programs survey in California, including regional data.

Achievements:

- The 2005/2006, Annual Report data obtained from the new online survey related to prelicensure education was presented to the committee and was made available on the Board's website in 2007. This questionnaire was initially developed in collaboration with CINHC through the grant from the Moore Foundation.
- The 2006/2007 consolidated surveys was completed in fall 2007, with 100% response from all prelicensure nursing programs in CA. The questionnaire and the mechanics of obtaining the data were revised in collaboration with UCSF staff. Trending analysis will be made available on the Board's website in 2008, including regional data. There was a new section added to the Annual School Survey containing simulation lab questions to the online survey.

GOAL 4

Facilitate and maintain an environment of collegial relationships with Deans and Directors of prelicensure and advanced practice programs.

- 4.1 Provide Deans and Directors with information on the educational approval process.
- 4.2 Apply uniform approval criteria when reviewing prelicensure and advanced practice nursing programs.
- 4.3 Conduct an annual orientation for new Directors and current Directors.
- 4.4 Update Director's Handbook annually and distribute on CD-R or hard copy to each prelicensure nursing program as needed.

- 4.5 Maintain open communication, consultation, and support services to nursing programs in California.
- 4.6 Present BRN updates at the quarterly ADN Directors' Meetings, the annual CACN /ADN Meeting, and as needed.

Achievements:

- A Director's Orientation Meeting was held in October 2007 in Temecula, scheduled in conjunction with the annual Deans and Director's Meeting. Updated Director Handbooks and/or CDs were distributed or mailed as needed to all programs.
- The BRN staff attended the COADN Directors Association meeting in March 2007 and the Annual Deans/Directors Meeting in October. Board updates were provided at quarterly directors meetings and as needed. Nursing Education Consultants continue to work collaboratively with program directors through phone, email, and on-site contacts as needed or requested.
- The committee approved the revision of the Clinical Nurse Specialist (CNS) regulations, B&P section 2838. These regulations sought to emphasize the distinguishing factor between the CNS and other master's prepared nurses.
- Advanced Practice Director's Meeting was held in October 2007 in Temecula with representations that included all advanced practice specialty areas.

GOAL 5

Provide on-going monitoring of the Continuing Education (CE) Program and verify compliance with BRN requirements by licensees and providers.

- 5.1 Conduct periodic random audits of Registered Nurses for compliance with renewal requirements and appropriateness of CE courses completed.
- 5.2 Conduct periodic random reviews of CE providers for compliance with CE regulations.
- 5.3 Review all new applications for CE providers for compliance with CE regulations.

GOAL 6

Continue the assessment and review of the NCLEX-RN examination process and maintain collaborative relationship with NCSBN organization.

- 6.1 Conduct periodic review of NCLEX-RN examination questions to eliminate barriers for licensure.
- 6.2 Encourage nurse educators and working RNs to participate in NCLEX-RN examination panels to ensure consistent representation from California.
- 6.3 Participate in various NCSBN committees to maintain representation from California.
- 6.4 Continue to monitor the NCLEX-RN administration by testing vendor.
- 6.5 Continually monitor NCLEX-RN Pass-Fail rate of California candidates.
- 6.6 Review and revise the NPA regulations to reflect current trends in nursing education and practice.

Achievements:

- Board staff continues to participate on various NCSBN committees.
- NECs present NCLEX-RN pass rates for first-time test takers as part of their continuing approval report to the committee.
- Staff participated in the conference calls with NCSBN and Pearson-Vue the testing vendor to discuss NCLEX administration issues.
- CA NCLEX-RN pass rates are presented to the committee on an ongoing basis, both quarterly and annual results. The CA pass rate is compared with the pass rate for all NCSBN jurisdictions.

10.7 Approve/Not Approve Goals and Objective 2008-2009

M. Minato presented this report

Biennially committee goals and objectives are reviewed and revised as needed. The proposed Goals and objectives for calendar year 2008-2009 were provided for review.

There were only minor changes from the Goals/Objectives previously approved for 2007. The changes are summarized below.

Objective 1.6 refers to public health certificate requirements. Objective 2.8, this objective is added to reflect the current trend in nursing education. 5.2, change made in replacing the word "Periodic" for "Systematic", since a random review of CE providers is done to ensure compliance with CE regulations. The final change was to Objective 6.6, the review of the NPA regulations to reflect the current trend in nursing education and practice.

MSC: Morales-Board/Beecham that the Board approve the Goals and Objectives for 2008-2009. 7/0/0

10.8 Information Only: Review of Changes Proposed to the California Code of Regulations, Article 3 Schools of Nursing Section 1420 through 14430 and additional sections related to types of Approvals and Preceptorial Learning Activities (Preceptorships)

M. Minato presented this report

Staff reviewed and drafted changes to the Board regulations related to Schools of Nursing. A draft of the proposed regulations was presented to the committee for discussion. Following Board's approval, it will be submitted to the Office of Administrative Law in 2008.

The proposed regulatory changes were distributed to prelicensure nursing programs in October 2007 to receive their input. A total of 26 programs (7 BSN, 19 ADN) responded, with 22 programs providing comments, while four programs returned feedback noting that they had no changes to recommend.

LVN-30 Unit option, an enrollment option that has very few LVNs pursuing, had the largest number of comments by programs. This may have occurred because

of their interpretation that OB and Pediatric contents would be required for this. This section was revised to ensure that OB and Peds would not be required content in this option. Feedback was also given on the new regulation on preceptorship. A majority wanted to increase the faculty to student ratio to 1:15.

Specific number of comments and areas receiving feedback are as follows:

- New NCLEX pass-rate 2 comments;
- Preceptorial Learning Experiences 7 comments, with four suggesting faculty to student ratio greater than 1: 12;
- Sec 1420 Definitions 7 comments, no specific clumping of comments;
- Sec 1421 Application for Approval 4 comments;
- Sec 1424 Administration and Organization of the Nursing Program 4 comments;
- Sec 1425 Faculty Qualifications and Changes and 1425.1 Faculty Responsibilities 5 comments;
- Sec 1426 Curriculum 6 comments;
- Sec 1429 LVN 30 Unit (45 Quarter Unit) Option 13 comments

Final draft will go back to the Education/Licensing Committee and then be presented to the Board for approval.

10.9 NCLEX Pass Rate Update

K. Daugherty presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

NCLEX RESULTS – FIRST TIME CANDIDATES

January 1, 2007 – December 31, 2007

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	8,647	85.88
United States and Territories	119,573	85.47

CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year – January 1, 2007 – December 31, 2007

01/01/07- 03/31/07			1/07- 1/07*^	07/01/07- 09/30/07*		10/01/07- 12/31/07*		01/01/07- 12/31/07*	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
2,739	90.0	1,638	87.36	3,588	84.06	682	75.37	8,647	85.88

^{*}Includes (5), (6), (13) & (9) "re-entry" candidates

[^]Passing standard increased to -0.21 logits; Revised NCLEX-RN Test Plan implemented 4/1/2007.

The Nursing Education Consultants monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year, if there is substandard performance (below 70% pass rate for first time candidates), the NEC requests that the program director submit a report outlining the program's action plan to address this substandard performance. Should this substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

The Board will continue to monitor results.

11.0 Report of the Nursing Practice Committee

S. Phillips, Chairperson

11.1 Information Only: Report on Laser Forums

J. Wackerly presented this report

As a result of Senate Bill SB 1423, Chaptered 873, the Medical Board of California (MBC), Board of Registered Nursing (BRN), Physician Assistants, and other interested parties, were charged with looking at the safety issues surrounding the use of lasers and other light type devices used throughout California.

Three forums were held jointly between the Medical Board of California and the BRN on August 30th in Orange County, September 15th in Sacramento, and October 31st in San Diego. The forums were well attended and represented by the laser industry, nursing associations, physicians, dermatologists, plastic surgeons, and other interested parties.

As an outcome, the MBC reaffirmed that registered nurses, nurse practitioners, physician assistants can implement laser type procedures when they are trained and competent. They also recognized and reaffirmed that registered nurses and nurse practitioners function under standardized procedures.

Both the MBC and BRN feel that there is not a need for new laws or regulations.

Information from the forums is currently available on MBC's website, and the BRN is working to have information also available on its website.

11.2 Information Only: Legislation enacted during the 2007-2008 Legislative Session

- J. Wackerly presented this report
- a) AB 139 (Bass) Chapter 158 Vehicles: A physician's medical examination is required to drive a schoolbus. The requirement for a schoolbus driver physician's medical examination is amended to include performance of the

- medical examination by an advanced practice registered nurse or a licensed physician assistant. An act to amend Section 12517.2 of the Vehicle Code.
- b) AB 342 (Saldana) Chapter 12- Authorizes a qualified person holding a certificate of public health in nursing to assist any individual with exceptional needs who requires specialized physical care services, during the regular school day. An act to amend Section 49423.5 of the Education Code.
- c) AB 1559 (Berryhill) Chapter 712 Postsecondary Education: The bill authorizes Community College Registered Nursing Programs to implement multicriteria screening process on or after January 1, 2008 to evaluate applicants for admission to the nursing program, to use approved diagnostic assessment tools, and to report nursing program admissions policies to the chancellors office.
- d) SB 102 (Migden) Chapter 88 Blood Transfusions: This bill provides that nurse practitioners, certified nurse midwives or physician assistants who are authorized to order a blood transfusion can inform the patient by means of a standardized written summary recently developed by the State Department of Public Health about the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers.
- e) SB 139 (Scott) Chapter 522 Nursing Education- a registered nursing student who has a baccalaureate degree or higher degree from a regionally accredited institution of higher education to complete general education requirements. This amended law requires those students to complete only coursework that is necessary to prepare him or her for licensing as a registered nurse. An act to amend the Sections of the Education Code and to add a section to Health and Safety Code, relating to nursing.

These new laws will be added to the BRN website located in Practice Information.

11.3 Information Only: Report on Nursing Practice Committee Goals and Objectives for 2007

J. Wackerly presented this report

Below is the summary of the Nursing Practice Committee's Goals and Objectives for 2007.

Goal In support of the consumer's right to quality care, identify and evaluate issues related to registered nursing tasks being performed by unlicensed assistive personnel.

Objective Take an active role in activities conducted by other agencies and organizations related to unlicensed assistive personnel.

The board staff provided a response to the recently issued California Department of Education (CDE) legal advisory related to insulin administration to eligible students in public schools, the advisory document "Administration of Insulin in

Schools by Unlicensed Personnel" was approved by the Board of Registered Nursing at the November 29, 2007 meeting.

For improvement of client care the committee made available the legislation enacted during the 2005-2006 session dealing with training of individual staff in Residential Health Facilities for the Elderly; and authorization of direct care staff trained by an RN to administer blood glucose testing for clients who reside in intermediate care facility/developmentally disabled habilitative or an intermediate care facilities/developmentally disabled The information is available on the board's website, Practice Information: Registered Nurse.

Pursuant to the following legislation:

- (a) AB 2609 (Evens) Chapter 615
- (b) AB 2564 (Matthews) Chapter 889

Goal Evaluate the impact on patient safety of nursing care being provided by other licensed/certified health care personnel, when the care may not be legally authorized.

Objective Monitor the provision of nursing care by other licensed/certified health care personnel for the possible unauthorized practice of nursing.

The liaison staff to this committee provided educational lectures on Scope of RN Practice to Kaiser Permanente Southern Region Medical Clinic staff on March 13, 2007 Pasadena, March 20, 2007 Anaheim, and March 21, 2007 Universal Studio. Ann Shuman MSN, RN supervising nursing educational consultant provided a lecture on LVN scope of practice.

Objective Monitor activities of other regulatory agencies to ensure that any actions which affect registered nursing practice will be in accord with the Nursing Practice Act.

Business and Professions Code Section 2023.5 charged Medical Board and Board of Registered Nursing to study the safety of lasers and intense light devices for cosmetic procedures. The law enumerated a number of things to be examined including appropriate supervision, the appropriate level of training, the guidelines for standardized procedures. The law asks that the boards examine use of topical agents, patient informed consent, and follow-up care. The Medical Board and Nursing Board held Forums on Public Safety and the Use of Lasers for Cosmetic Procedures to obtain testimony from representatives of the Laser Industry, Nursing Associations, Physician Assistant Organization, Physician Organizations, Insurance Companies and Consumers. Forums were held August 30th 2007 Orange Co, September 13, 2007 Sacramento DCA, and October 31, 2007 San Diego. The meeting minutes were made available on Medical Board and Board of Registered Nursing websites. The Medical Board and Board of Registered Nursing will discuss the information gathered at the Forums at a later date in 2008.

Goal Develop and implement processes for the Board to interact with stakeholders to identify current trends and issues in nursing practice and the health care delivery system.

Objective Actively participate with other public and private organizations and agencies involved with health care to identify common issues and to promote RN scope of practice consistent with the Nursing Practice Act and ensuring consumer safety.

Objective As nursing practice issues arise, convene BRN focus groups of RNs for input in promulgating regulations, as needed to address the issues

Suzanne Graham, RN, PhD Director of Patient Safety, California Region, Kaiser Permanente presented a program to the Practice Committee on January 11, 2007. The program was titled The Kaiser Policy and Procedure on Responsible Reporting and Accountability. Ms. Graham spoke about the northern California leadership and management responsibility for creating and sustaining an environment in which nurses and physicians and staff are able to report error without fear of punishment. Ms. Graham referred to "just culture" as described by Dr. Lucian Leape, Professor of Public Health, Harvard School of Public Health, testimony before Congress on Health Care Quality Improvement. Ms Graham addressed Kaiser plan to have responsible leaders, physicians, registered nurses, and staff to take action to address the root cause and prevent the mistake or unintended failure from happening again. Ms. Graham also address that "exception" punitive disciple is indicated when the employee is under the influence of drug or alcohol or has deliberately violated rules or regulations specifically intended to cause harm or engage in egregious negligence.

Maria O'Rourke, RN, DNS, FAAN, President and CEO, Health Management and Education presented a program to the Practice Committee on March 8, 2007 about her vision to implement the Nursing Practice Act that focuses on RN decision making and critical thinking skills. Ms. O'Rourke utilizes the concepts of evidence based approach to professional RN role development with RNs at the bedside. O'Rourke says that RNs are supported and rewarded for role and standards-based professional practice, while workplace benefits from error/risk reduction, increased patient safety and improved outcomes.

Goal Identify and implement strategies to impact identified trends and issues in nursing and health care.

Objective Provide timely written and/or verbal input on proposed regulations related to health care policies affecting nursing care.

Objective Collaborate with the Education/Licensing Committee on educational issues/trends and the Legislative Committee on legislation pertaining to nursing practice.

For improvement of patient care and in support of nursing practice the following information is available to registered nurses and the public on the board's website regarding newborn hearing screening that is to be administered to newborns in general acute care hospitals effective January 1, 2008. Pursuant to legislation 2005-2006 session: AB 2651 (Jones) Chapter 335.

Goal Develop and implement processes for the Board to interact with stakeholders to identify and evaluate issues related to advanced practice nursing and to promote maximum utilization of advanced practice nursing.

Objective Support and promote full utilization of advanced practice nurses.

In support of nurse practitioner and certified nurse midwifery practice the public information from legislation enacted during the 2005-2006 session. The legislative information is posted to the board's website in Practice Information:

- (a) AB 2280 (Leno) Chapter 771-Explands the authorization to treat sexually transmitted diseases for patient's partner without a good faith examination.
- (b) AB 2986 (Mullin) Chapter 286 Bring into compliance California current Controlled Substance Utilization Review and Evaluation System (CURES) with newly enacted National All Scheduled Prescription Electronic Reporting (NASPER) Act of 2006 for reporting on prescription and dispensing of Schedule IV controlled substances. Schedule II and III controlled substances are currently monitored and report of Cures.

With increasing frequency nurse practitioners and the public are making inquires about how nurse practitioners with a furnishing number can obtain Schedule II controlled substance DEA registration. The informational advisory is updated "Nurse Practitioner Schedule II Controlled Substances, Education Requirement prior to filing an application with the Drug Enforcement Administration (DEA) for Schedule II". (Legislation 2004-2005, AB 1196, (Montanez) amended BPC 2836.1.

Objective Monitor trends and growing opportunities for advanced practice nursing, NP, CNM, CRNA, and CNS.

California Nurse Practitioner Association, CANP, representatives Theresa Brown NP, Barbara Kotlik NP and Surani Hayre Kwan NP address the committee on May 13, 2007. The representative of CANP discussed the organization desire to have a defined Nurse Practitioner Scope of Practice. They provided information on the contributions of nurse practitioners in California regarding access to health care, providing quality health care, and focus on preventative care.

Objective Actively participate with organizations and agencies focusing on advanced practice nursing.

The Department of Health Services, DHS, requested the committee review proposed changes to sections of the California Code of Regulation, Title 22,

51305-Physician Services and Section 51476 Keeping and Availability of Records. DHS request confirmation that is appropriate to limit the scope of practice of nurse practitioner/nurse midwives in the manner specified in federal regulation and that the board agrees with the referencing of Title 42, Code of Federal Regulations as indicated in section 51305 (k) (1) and 51476 (a) (7) of Title 22, California Code of Regulations. (request by DHS pursuant to Business and Professions Code 2725 (e)) CMS in MLN Matters, Information for Medicare Fee for Service Health Care Professionals, MLN Matters Numbers: SE0418. The committee and the board affirmed the requirement the federal requirements.

Objective In collaboration with the Education/Licensing Committee remain actively involved in facilitating communication and work in progress for education/certification function and communication with advanced practice educational program directors, professional organizations, state agencies and other groups.

There is collaboration between the Education/Licensing Committee and Practice Committee in development of the Clinical Nurse Specialist regulation and attending the Clinical Nurse Specialist Advisory Committee

12.0 Election of Officers for 2008

A Guillen Dutton presented this report

The deadline to submit letters of interest, to the Nominating Committee, for the positions of President and Vice President for 2008 was February 7, 2008/

LaFrancine Tate, President

Rica Am Teny M.P. H., R.M.

MSC: Phillips/Dietz that L. Tate is elected President. 7/0/0

Susanne J. Phillips, MSN, RN, NP, Vice President

MSC: Dietz/Beecham that S. Phillips is elected Vice President. 7/0/0

13.0 Public Forum

Meeting Adjourned at 11:30 am

Ruth Ann Terry, MPH, RN

Executive Officer

LaFrancine Tate

President